

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 17 is currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-22 are now pending in this application.

**Rejection Under 35 U.S.C. § 102 (e)**

In Section 2 of the Office Action, claims 1-15, 17-18, and 20-21 are rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 6,215,778 (Lomp et al.). Applicant respectfully traverses the rejection. Lomp et al. does not disclose, suggest, or teach Applicant's claimed invention as recited in claims 1-15, 17-18, and 20-21. Further, Applicant reserves the right to swear behind Lomp et al.

Lomp et al. describes a system with "a group of message channels" in which each "supports a different information signal transmission rate." (Col. 6, lines 32-37, emphasis added). In Lomp et al., "the first transceiver switches transmission from a first message channel to a second message channel to support the different rate." (Col. 6, lines 41-43, emphasis added). Having different message channels with different rates is not the same as Applicant's claimed invention (e.g., "changing the data rates of the plurality of logical channels on a per channel basis" as recited in claim 1, "to change the data rate assigned to each of the at least one logical communication channel" as recited in claim 10 or "changing data rates to the plurality of logical communication channels" as recited in claim 17).

In Column 60, lines 20-44, Lomp et al. describes a “bearer channel modification method” as follows:

First, a bearer channel on the RF interface is established between the RCS and SU, and a corresponding link exists between the RCS terrestrial interface and the remote processing unit such as an RDU. The digital transmission rate of the link between the RCS and remote processing unit normally corresponds to a data encoded rate, which may be, for example, ADPCM at 32 kb/s. The WAC controller of the RCS monitors the encoded digital data information of the link received by the Line Interface of the MUX. If the WAC controller detects the presence of the 2100 Hz tone in the digital data, the WAC instructs the SU through the assigned logical control channel and causes a second, 64 kb/s duplex link to be established between the RCS modem and SU. In addition, the **WAC controller instructs the remote processing unit to establish a second 64 kb/s duplex link between the remote processing unit and the RCS.** Consequently, for a brief period, the remote processing unit and the SU exchange the same data over both the 32 kb/s and the 64 kb/s links through the RCS. **Once the second link is established, the remote processing unit causes the WAC controller to switch transmission only to the 64 kb/s link,** and the WAC controller instructs the RCS modem and the SU to **terminate and tear down the 32 kb/s link.** Concurrently, the 32 kb/s terrestrial link is also terminated and torn down.

As such, the “bearer channel modification method” establishes a first link at a first rate (32 kb/s) and then causes a second link at a second rate (64 kb/s). After the second link is established, the first link is terminated. Again, Lomp et al. is showing changing communication channels where the communication channels have different rates. Lomp et al. does not show changing the **data rates** of the logical channels on a **per channel basis** or changing the data rate assigned to the communication channel as recited in independent claims 1, 10, and 17.

In the present application, Applicant describes the changing of data rates for communication channels. For example, Paragraph [0006] of the present application states:

The present invention relates to wireless communications systems and methods where low data rate services, such as, voice and high data rate services, such as, data are communicated over a common air interface. This air interface includes a control channel which

assigns and changes the data rate to each of several logical communication channels on a per channel basis. As such, logical communication channels can be set to a low data rate for low data rate services and to a high data rate for high data rate services.

Claims 1-15, 17-18 and 20-21 each require the changing of communication channel data rates. Lomp et al. does not disclose, suggest, or teach this and, thus, Applicant respectfully request withdrawal of the rejection of claims 1-15, 17-18 and 20-21 under 35 U.S.C. § 102(e) based on Lomp et al.

**Rejections Under 35 U.S.C. § 103 (a)**

**Claim 19**

In Section 4 of the Office Action, claim 19 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Lomp et al. Applicant respectfully traverses the rejection. Lomp et al. does not disclose, suggest, or teach Applicant's claimed invention as recited in claim 19.

As discussed above with respect to the rejection under 35 U.S.C. § 102 (e), Lomp et al. does not disclose, suggest, or teach Applicant's claimed invention as recited in claim 17. Claim 19 depends from claim 17, and, thus, includes all of the limitations of claim 17. Lomp et al. does not disclose changing data rates of logical communication channels. Further, there is no suggestion or teaching to do so. Accordingly, a rejection of claim 19 under 35 U.S.C. § 103(a) cannot be properly maintained. Applicant respectfully requests withdrawal of the rejection.

**Claim 16**

In Section 5, claim 16 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Lomp et al. in view of U.S. Patent No. 6,463,294 (Yun). Applicant respectfully traverses the rejection. Lomp et al. and Yun alone or in combination do not disclose, suggest, or teach Applicant's claimed invention as recited in claim 16.

As discussed above, Lomp et al. does not disclose, suggest, or teach "being configured to change the data rate assigned to each of the at least one communication channel" as recited in claim 10. Claim 16 depends from claim 10. Yun does not provide this missing teaching.

Accordingly, the rejection cannot be properly maintained. Applicant respectfully requests withdrawal of the rejection.

Claim 22

In Section 6, claim 22 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Lomp et al. in view of U.S. Patent No. 6,275,506 (Fazel et al.) Applicant respectfully traverses the rejection. Lomp et al. and Fazel et al. alone or in combination do not disclose, suggest, or teach Applicant's claimed invention as recited in claim 22.

As discussed above, Lomp et al. does not disclose, suggest, or teach Applicant's claimed invention as recited in claim 17. Claim 22 depends from claim 17, and, thus, includes all of the limitations of claim 17. Lomp et al. does not disclose changing data rates of logical communication channels. Further, there is no suggestion or teaching to do so. Fazel et al. does not teach or suggest changing data rates of communication channels either. Accordingly, a rejection of claim 22 under 35 U.S.C. § 103(a) cannot be properly maintained. Applicant respectfully requests withdrawal of the rejection.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-2179. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-2179. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-2179.

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Respectfully requested,

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